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(1) A reference to the tag, seal, or other means of identity used by the processor to identify the temperature-indicating device;

(2) The name of the manufacturer of the temperature-indicating device;

(3) The identity of the reference device, equipment, and procedures used for the accuracy test and to adjust the temperature-indicating device or, if an outside facility is used to conduct the accuracy test for the temperature-indicating device, a guarantee, certificate of accuracy, certificate of calibration, or other document from the facility that includes a statement or other documentation regarding the traceability of the accuracy to a National Institute of Standards and Technology (NIST) or other national metrology institute standard;

(4) The identity of the person or facility that performed the accuracy test and adjusted or calibrated the temperature-indicating device;

(5) The date and results of each accuracy test, including the amount of calibration adjustment; and

(6) The date on or before which the next accuracy test must be performed.

(d) Records of the accuracy of a reference device maintained by the processor shall include:

(1) A reference to the tag, seal, or other means of identity used by the processor to identify the reference device;

(2) The name of the manufacturer of the reference device;

(3) The identity of the equipment and reference to procedures used for the accuracy test and to adjust or calibrate the reference device or, if an outside facility is used to conduct the accuracy test for the reference device, a guarantee, certificate of accuracy, certificate of calibration, or other document from the facility that includes a statement or other documentation regarding the traceability of the accuracy to a NIST or other national metrology institute standard;

(4) The identity of the person or facility that performed the accuracy test and adjusted or calibrated the reference device;

(5) The date and results of each accuracy test, including the amount of calibration adjustment; and

(6) The date on or before which the next accuracy test must be performed.

(e) Records of all container closure examinations shall specify the product code, the date and time of container closure inspections, the measurements obtained, and all corrective actions taken. Records shall be signed or initialed by the container closure inspector and reviewed by management with sufficient frequency to ensure that the containers are hermetically sealed. The records

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shall be signed or initialed and dated by the reviewer.

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(h) Records of this part may be maintained electronically, provided they are in compliance with part 11 of this chapter.

**PART 114—ACIDIFIED FOODS**

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AUTHORITY: 21 U.S.C. 342, 371, 374; 42 U.S.C. 264.

SOURCE: 44 FR 16235, Mar. 16, 1979, unless otherwise noted.

**Subpart A—General Provisions**

**§ 114.3 Definitions.**

For the purposes of this part, the following definitions apply.

(a) *Acid foods* means foods that have a natural pH of 4.6 or below.

(b) *Acidified foods* means low-acid foods to which acid(s) or acid food(s) are added; these foods include, but are not limited to, beans, cucumbers, cabbage, artichokes, cauliflower, puddings, peppers, tropical fruits, and fish, singly or in any combination. They have a water activity ( $a_w$ ) greater than 0.85 and have a finished equilibrium pH of 4.6 or below. These foods may be called, or may purport to be, “pickles” or “pickled \_\_\_\_\_.” Carbonated beverages, jams, jellies, preserves, acid foods (including such foods as standardized and nonstandardized food dressings and condiment sauces) that contain small amounts of low-acid food(s) and have a resultant finished

equilibrium pH that does not significantly differ from that of the predominant acid or acid food, and foods that are stored, distributed, and retailed under refrigeration are excluded from the coverage of this part.

(c) *Lot* means the product produced during a period indicated by a specific code.

(d) *Low-acid foods* means any foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity ( $a_w$ ) greater than 0.85. Tomatoes and tomato products having a finished equilibrium pH less than 4.7 are not classed as low-acid foods.

(e) *Scheduled process* means the process selected by a processor as adequate for use under the conditions of manufacture for a food in achieving and maintaining a food that will not permit the growth of microorganisms having public health significance. It includes control of pH and other critical factors equivalent to the process established by a competent processing authority.

(f) *Shall* is used to state mandatory requirements.

(g) *Should* is used to state recommended or advisory procedures or to identify recommended equipment.

(h) *Water activity* ( $a_w$ ) is a measure of the free moisture in a product and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

[44 FR 16235, Mar. 16, 1979, as amended at 61 FR 14245, Apr. 1, 1996]

#### § 114.5 Current good manufacturing practice.

The criteria in §§ 114.10, 114.80, 114.83, 114.89, and 114.100, as well as the criteria in part 110 of this chapter, apply in determining whether an article of acidified food is adulterated (1) within the meaning of section 402(a)(3) of the act (21 U.S.C. 342(a)(3)) in that it has been manufactured under such conditions that it is unfit for food, or (2) within the meaning of section 402(a)(4) of the act (21 U.S.C. 342(a)(4)) in that it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with

filth, or whereby it may have been rendered injurious to health.

#### § 114.10 Personnel.

All operators of processing and packaging systems shall be under the operating supervisions of a person who has attended a school approved by the Commissioner for giving instruction in food-handling techniques, food-protection principles, personal hygiene and plant sanitation practices, pH controls and critical factors in acidification, and who has been identified by that school as having satisfactorily completed the prescribed course of instruction. The Commissioner will consider students who have satisfactorily completed the required portions of the courses presented under § 108.35 and part 113 of this chapter before March 16, 1979, to be in compliance with the requirement of this section.

### Subparts B–D [Reserved]

### Subpart E—Production and Process Controls

#### § 114.80 Processes and controls.

(a) *Processing operations.* The manufacturer shall employ appropriate quality control procedures to ensure that finished foods do not present a health hazard.

(1) Acidified foods shall be so manufactured, processed, and packaged that a finished equilibrium pH value of 4.6 or lower is achieved within the time designated in the scheduled process and maintained in all finished foods. Manufacturing shall be in accordance with the scheduled process. Acidified foods shall be thermally processed to an extent that is sufficient to destroy the vegetative cells of microorganisms of public health significance and those of nonhealth significance capable of reproducing in the food under the conditions in which the food is stored, distributed, retailed and held by the user. Permitted preservatives may be used to inhibit reproduction of microorganisms of nonhealth significance (in lieu of thermal processing).

(2) Sufficient control, including frequent testing and recording of results, shall be exercised so that the finished